



The relief described hereinbelow is SO ORDERED.

Signed January 23, 2019.



Ronald B. King
Chief United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:

**STEVEN BRICE WIBRACHT
AND ERIN MICHELLE WIBRACHT,
DEBTORS.**

**TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, PLAINTIFF**

V.

**STEVEN BRICE WIBRACHT
AND ERIN MICHELLE WIBRACHT,
DEFENDANTS.**

CASE NO. 17-52300-RBK
CHAPTER 7

ADVERSARY PROCEEDING
No. 18-05203-RBK

**ORDER GRANTING
PLAINTIFF’S MOTION TO DISMISS DEFENDANTS’ COUNTERCLAIM [ADV #54]**

On November 19, 2018, came on to be heard the *Motion* (the “Motion”) of Plaintiff Travelers Casualty and Surety Company of America (“Travelers”) *to Dismiss Counterclaim* (the “Counterclaim”) filed by Steven Brice Wibracht and Erin Michelle Wibracht (the “Defendants”

or the “Debtors”). After considering the pleadings and representation of counsel, this Court is of the opinion that the Motion is well taken and should be GRANTED.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendants’ Counterclaim is hereby DISMISSED; and

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendants are without standing to object to Travelers’ proof of claim number 18 (“POC 18”); and

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that in connection with Travelers’ First Amended Complaint filed on May 25, 2018 (the “Amended Complaint”) (DE 15) pursuant to 11 U.S.C. §§ 727(a)(2)(A) and (B), (a)(3), (a)(4)(A) and (a)(5) the Defendants shall be limited at trial to raising defenses solely related to Travelers’ objection to discharge claims set forth in the Amended Complaint pursuant to 11 U.S.C. §§ 727(a)(2)(A) and (B), (a)(3), (a)(4)(A) and (a)(5) and further, such other defenses that are related to the Counterclaim or take any form of objection to POC 18 raised by the Defendants in their Amended Answer (DE 53) are STRICKEN; and

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that nothing set forth in this ORDER prejudices the Defendants’ right to file a motion to avoid lien pursuant to 11 U.S.C. § 522(f) with all parties reserving their rights in connection with such motion.

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